

The Board of Commissioners for the Pontchartrain Levee District met at its office on Monday, June 21, 2010, pursuant to due notice given to each member in due time, form and manner as follows:

June 18, 2010

Dear Sir:

You are hereby notified that a public meeting and the next Regular Board Meeting of the Board of Commissioners for the Pontchartrain Levee District will be held at 6:00 p.m. on Monday, June 21, 2010 at the Lucher Office, Lucher, Louisiana.

Very truly yours,

Monica Salins,
Executive Director

President Steve Wilson called the meeting to order at 7:21 p.m. The following members were present: Messrs. Marty Poche, Allen St. Pierre, Jerry Savoy, L.C. Irvin and Steve Wilson. Absent was Mike Delaune.

Pontchartrain Levee District employees in attendance were: Messrs. Monica Salins – Executive Director and Susan M. Sheets - Secretary to the Board. Also in attendance were: Clinton Rouyea - External Accountant, Jimmy Smith - Maintenance Consultant, Joe Sevario – Executive Assistant to the Board and Dwight Poirrier – PLD Legal Counsel. Special guest included: A.J. Domangue and Mona Nosari of G.C.R. & Associates, Josie Picard and Henry Picard, III. of BKI, Les Waguespack of Shaw, Nathan Junius of Linfield, Hunter & Junius, Jake Lambert of G.S.A. & Associates, Jack Morgan of Evans Graves Engineers, Eric Poche of SJB Group, Charlie Raymond of Taggart, Morton & Associates, Jeff Loup of T. Baker Smith, John Bullwinkle of Burkhalter Riggins, Bud Preston of Noranda Alumina, Dianna Hasenbeck of Poirrier Law Firm.

The Pledge of Allegiance was recited.

A motion to approve the minutes of the Regular Board Meeting of May 17, 2010, was offered by Mr. Savoy, seconded by Mr. Poche and unanimously carried. President Wilson noted for the record that all matters before the Board would require a unanimous vote due to only five (5) members present.

At this time, President Wilson asked to deviate from the agenda order and take up the Letters of No Objection first. Mr. Savoy moved, seconded by Mr. Poche to deviate from the agenda order. This motion carried unanimously.

LETTERS OF NO OBJECTION

The following requests were presented to the Board for action:

At this time, Mr. Irvin moved, seconded by Mr. Savoy to add five (5) Letters of No Objection to the agenda for consideration. This motion carried unanimously.

Noranda Alumina - request of June 21, 2010 concerning permission to dredge and removed sediment build up in order to relieve back pressure against the recently repaired Alumina Dock, Gramercy, Louisiana, St. James Parish. Mr. Poche moved, seconded by Mr. St. Pierre to grant a “Letter of No Objection” to this maintenance request. This motion carried unanimously.

AT&T – request of June 8, 2010, through Byers Engineering, concerning permission to pull a 25 pair cable into a customer provided 1 ½” metal conduit, trench north to an existing customer tower and trench east, dig pit, connect to existing cable, backfill and restore, near the Good Hope Floodwall, Norco, Louisiana, St. Charles Parish. Mr. Poche moved, seconded by Mr. Savoy to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated June 21, 2010 and OCPR dated June 21, 2010 and reaffirmed by PLD. The motion carried unanimously.

Shell Pipeline Company – request of March 23, 2010, concerning permission to excavate and possible repair 36 anomalies to the Clovelly to Norco 24-inch pipeline, levee station 5679+00, at Destrehan, Louisiana, in St. Charles Parish. Mr. Irvin moved, seconded by Mr. Savoy to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated June 14, 2010 and OCPR dated June 21, 2010 and reaffirmed by PLD. The motion carried unanimously.

Shell Pipeline Company (Geismar Chemical Plant) – request of May 18, 2010, through Eustis Engineering Services, LLC, concerning permission to drill one soil boring in the crown and drill one soil boring on the batture, levee station 2361+00, in Ascension Parish, Louisiana. Mr. Savoy moved, seconded by Mr. Irvin to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated June 9, 2010 and OCPR dated June 21, 2010 and reaffirmed by PLD. The motion carried unanimously.

Burkhalter Rigging Inc. – request of April 23, through Richard Wright & Associates, revised June 18, 2010, through Ardaman & Associates, Inc., concerning permission to transport equipment over an existing ramp owned by Barber Bros. Construction, levee station 2238+81, at Geismar, Louisiana, in Ascension Parish. Mr. Irvin moved, seconded by Mr. Savoy to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated June 22, 2010 and OCPR dated May 13, 2010 and reaffirmed by PLD. The motion carried unanimously.

St. John the Baptist Parish – request of May 31, 2010 concerning permission to sponsor their annual “Salute to our Veterans in Reserve, Louisiana on Friday, July 2, 2010 which features food, music and a fireworks display. Mr. St. Pierre moved, seconded by Mr. Savoy to grant a “Letter of No Objection” to this request. This motion carried unanimously.

John W. Stone Oil Distributors, LLC – request of June 7, 2010 through Leaaf Environmental, LLC concerning permission to drill nine (9) soil borings when the river is below elevation +11.0 feet on the Carrollton Gage, levee station 5901+00, at St. Rose, Louisiana, in St. Charles Parish. Mr. Poche moved, seconded by Mr. St. Pierre to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated June 15, 2010 and OCPR dated June 10, 2010 and reaffirmed by PLD. This motion carried unanimously.

QMI Custom Homes – request of April 6, 2010, May 24, 2010 and May 25, 2010 concerning permission to construct a resident at 1061 River Road when the river is below elevation +14.0 feet on

the Carrollton Gage, levee station 344+50, at St. Gabriel, Louisiana, in Iberville Parish. Mr. Savoy moved, seconded by Mr. Irvin to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated June 9, 2010 and OCPR dated June 10, 2010 and reaffirmed by PLD. This motion carried unanimously.

AEP River Operations – request of March 8, 2010 through Richard Wright & Associates, Inc. concerning permission to modify an existing ship mooring facility when the river is below elevation +15.0 feet on the Carrollton Gage, levee station 3727+90, at Convent, Louisiana, in St. James Parish. Mr. Poche moved, seconded by Mr. Irvin to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated June 9, 2010 and OCPR dated June 10, 2010 and reaffirmed by PLD. This motion carried unanimously.

AEP River Operations – request of May 3, 2010 through Richard Wright & Associates, Inc. concerning permission to construct a personnel walkway when the river is below elevation +11.0 feet on the Carrollton Gage, levee station 3999+00, at Convent, Louisiana, in St. James Parish. Mr. Poche moved, seconded by Mr. St. Pierre to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated June 9, 2010 and OCPR dated May 25, 2010 and reaffirmed by PLD. This motion carried unanimously.

Ancient Domain – request of December 7, 2009 and May 14, 2010 concerning permission to construct a levee access ramp and install a culvert, when the river is below +11.0 feet on the Carrollton Gage, levee station 3163+47, at Union, Louisiana, in St. James Parish. Mr. Poche moved, seconded by Mr. Irvin to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated June 3, 2010 and OCPR dated December 29, 2009 and reaffirmed by PLD. This motion carried unanimously.

Entergy Louisiana, LLC – request of May 11, 2010 concerning permission to replace one (1) power pole and to install two (2) new power poles and anchors at LA Poche Perique Tobacco, when the river is below + 14.0 feet on the Carrollton Gage, levee station 3666+00, at Convent, Louisiana, in St. James Parish. Mr. Poche moved, seconded by Mr. Savoy to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated June 3, 2010 and OCPR dated May 17, 2010 and reaffirmed by PLD. This motion carried unanimously.

Entergy Louisiana, LLC – request of May 13, 2010 concerning permission to install a new power pole at 152 East 11th Street when the river is below +15.0 feet on the Carrollton Gage, levee station 4697+80 at Reserve, Louisiana, in St. John the Baptist Parish. Mr. St. Pierre moved, seconded by Mr. Irvin to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated June 2, 2010 and OCPR dated May 19, 2010 and reaffirmed by PLD. This motion carried unanimously.

Entergy Louisiana, LLC – request of April 26, 2010 concerning permission to replace one (1) power pole on the protected side, to replace one (1) power pole on the batture and to install an aerial crossing across the levee adjacent to the Charles Towne Subdivision, when the river is below +13.0 feet on the Carrollton Gage, between levee station 5809+84 and 5809+93, at St. Rose, Louisiana, in St. Charles Parish. Mr. Irvin moved, seconded by Mr. Savoy to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated June 15, 2010 and OCPR dated June 10, 2010 and reaffirmed by PLD. This motion carried unanimously.

Atmos Energy – request of April 28, 2010 and May 12, 2010 concerning permission to relocate a 2-inch gas main by directional boring when the river is below +13.0 feet on the Carrollton Gage, levee station 4960+00, at LaPlace, Louisiana, in St. John the Baptist Parish. Mr. St. Pierre moved, seconded by Mr. Poche to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated June 2, 2010 and OCPR dated May 5, 2010 and reaffirmed by PLD. This motion carried unanimously.

Town of Lutch – request of March 27, 2010 through Terracon Consultants, Inc. concerning permission to drill two soil borings (one (1) on the levee crown and one (1) on the batture) when the river is below elevation +11.0 feet on the Carrollton Gage, levee station 4164+00, at Lutch, Louisiana, in St. James Parish. Mr. Poche moved, seconded by Mr. Savoy to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated April 28, 2010 and OCPR dated May 25, 2010 and reaffirmed by PLD. This motion carried unanimously.

Shell Chemical, LP – request of May 3, 2010 and May 20, 2010 concerning permission to perform excavations when the river is below elevation +12.0 feet on the Carrollton Gage, levee station 2361+00, in Ascension Parish. Mr. Irvin moved, seconded by Mr. Savoy to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated May 19, 2010 and OCPR dated May 4, 2010 and reaffirmed by PLD. This motion carried unanimously.

Louisiana Department of Transportation & Development – request of April 14, 2010 concerning permission to construct a turn lane at the intersection of Highway 48 and Schexnaydre Lane when the river is below elevation +11.0 feet on the Carrollton Gage, levee station 5477+00, at New Sarpy, Louisiana, in St. Charles Parish. Mr. St. Pierre moved, seconded by Mr. Irvin to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated May 26, 2010 and OCPR dated April 28, 2010 and reaffirmed by PLD. This motion carried unanimously.

Deep South Crane Rigging Co. – request March 4, 2010 concerning permission to transport vessels on an existing ramp across the levee to the Valero Refinery from barge docking on the river when the river is below +11.0 feet on the Carrollton Gage, levee station 5169+00, at Montz, Louisiana, in St. Charles Parish. Mr. Poche moved, seconded by Mr. Savoy to grant a “Letter of No Objection” to this request, per the requirements and prohibitions set forth in the Letters of No Objection of USACE dated June 9, 2010 and OCPR dated May 17, 2010 and reaffirmed by PLD. This motion carried unanimously.

RIGHTS OF ENTRY

(Revised language of previously authorized Right of Entry approved
by the Board on April 19, 2010)

Department of the Army, Corps of Engineers, New Orleans District – request of April 27, 2009, revised May 18, 2009, June 15, 2009, November 5, 2009, December 17, 2009, and last revised February 11, 2010 from Linda C. LaBure, Chief of Real Estate Division, to Garret Graves, Chairman of the Coastal Protection and Restoration Authority of Louisiana and Steve Wilson, President of the

Pontchartrain Levee District for right-of-entry for a period of three (3) years or until completion of construction in connection with the Lake Pontchartrain and Vicinity, Louisiana Project, North of Airline Highway, St. Charles Parish, Louisiana, Illinois Central Railroad Gate, Phase 2, LPV-06f.2 as per drawings entitled "Lake Pontchartrain and Vicinity, Louisiana Project, North of Airline Highway, St. Charles Parish, Illinois Central Railroad Gate, Phase 2, LPV-06f.2, File No. H-4-46804, Sheet Identifications C-104 dated May 5, 2009, revised February 3, 2010 and C-105 dated May 5, 2009, revised October 28, 2009, December 8, 2009, and February 3, 2010. This Authorization for and Right of Entry includes required height restrictions attached hereto as Exhibit E. This Authorization for and Right of Entry also includes a Letter of Concurrence dated June 17, 2010 executed by Linda C. LaBure from the Corps of Engineers agreeing to additional provisions furnished by the Pontchartrain Levee District through letter from Steve Wilson dated June 9, 2010, incorporated herein by reference. Mr. Savoy moved, seconded by Mr. Irvin to grant request for right of entry as requested. This motion carried unanimously.

At this time, Mr. Savoy moved, seconded by Mr. Irvin to return to the regular agenda order and those individuals involved with Letters of No Objection were released from meeting if they wished to leave. This motion carried unanimously.

COMMITTEE REPORTS

Security/Safety Committee: Mr. Marty Poche reported on the security meeting held on June 15, 2010. There were no action items to report.

Equipment Committee: Mr. Marty Poche reported on the meeting held on June 15, 2010. Mr. Irvin moved, seconded by Mr. St. Pierre to approve release of two (2) older desk sets to the Union/Convent Fire Department after review by PLD Counsel, as recommended by committee. This motion carried unanimously.

Finance Committee: Mr. Jerry Savoy reported on the Finance meeting held on June 21, 2010. Mr. Irvin moved, seconded by Mr. St. Pierre to approve the regular monthly invoices in the amount of \$45,396.95 as recommended by committee. The motion carried unanimously. Mr. Poche then moved, seconded by Mr. Irvin to approve the invoice from G.C.R. and Associates for the St. Charles Parish Hurricane Protection 100 year protection in the amount of \$30,915.74 as recommended by committee. This motion carried unanimously. Mr. Irvin moved, seconded by Mr. St. Pierre to approve the invoice from Mississippi Valley Flood Control Association for the annual 2010 membership dues in the amount of \$3,860.00 as recommended. This motion carried unanimously. Mr. Poche then moved to approve the renewal of the official journal in the amount of \$495 as recommended. This motion was seconded by Mr. Irvin and carried unanimously. The following resolution was moved by Mr. Irvin and seconded by Mr. Poche:

WHEREAS, the Pontchartrain Levee District is required to comply with the requirements of the Louisiana Department of Natural Resources, Office of Coastal Management and *Louisiana's Master Plan for a Sustainable Coast* in securing coastal use permits for maintenance and construction of flood control projects in the coastal areas, including the requirements to provide for compensatory mitigation for the unavoidable impacts to coastal resources; and

WHEREAS, the currently available options available to satisfy the mitigation obligation are to perform an individual mitigation project, or to secure mitigation credits from an approved mitigation bank; and

WHEREAS, due to the limited nature of the authority of a levee district; as a permittee it often lacks the capacity or flexibility needed to implement an individual mitigation measure; and

WHEREAS, in satisfaction of mitigation obligations there are few mitigation banking options for fresh/intermediate or brackish/saline marsh habitats in the coastal area of Louisiana and no marsh mitigation bank options west of the Atchafalaya River, and in the few instances where credits are available, they are often cost prohibitive, thus reducing the amount of protection for the citizens that the available tax dollars can provide; This is attributable to the heightened risk of destruction of these developments by tropical cyclonic activity, to the extremely high up-front costs to establish a marsh mitigation bank, and to the responsibility to bear the cost to repair these features when damage occurs; and

WHEREAS, to offer an additional cost effective option for providing the required compensatory mitigation for the unavoidable impacts to coastal resources, the Office of Coastal Management has developed a proposed *Fee in Lieu* program for compensatory mitigation to give permittees another legitimate compensatory mitigation option. The proposed *Fee in Lieu* program will provide greater flexibility in regard to options for compensatory mitigation by giving permittees a fee-in-lieu option when approved mitigation bank options are not available or when the permittee lacks the capacity to implement an individual mitigation measure; and

WHEREAS, the aggregation of funds gathered by the *Fee in Lieu* program for compensatory mitigation for multiple small scale projects will allow for the implementation of larger (bigger in scope and scale) restoration and habitat conservation measures. The result of this is that state funded restoration projects will benefit from economies of scale with significant additions to ongoing habitat restoration work with relatively low marginal cost, in addition this will allow for the implementation of mitigation immediately adjacent to and in concert with ongoing state restoration measures with the effect of helping to ensure the sustainability of the mitigation and the restoration effort, and ultimately adding to the sustainability of the coastal estuary; and

WHEREAS, the *Fee in Lieu* program for compensatory mitigation will provide a mitigation option that will, in some instances, prevent an applicant from having to *double mitigate* when U.S. Army Corps of Engineers (USACE) permits require different mitigation of different habitat types than the state, and in the future will avoid extra project expense due to proposed USACOE devaluing of mitigation credits because of the unavailability of credit within the same basin as a project's unavoidable impacts; and

WHEREAS, the *Fee in Lieu* program for compensatory mitigation will help to facilitate important economic development projects in the coastal area of Louisiana by offering a flexible alternative for mitigation when responsible development takes place in the coastal area. Louisiana's working coast generates more than 50% of the state's income, therefore it is important to offer this flexible mitigation option that will ultimately allow for economic development and protect and maintain the sustainability of the coastal estuary.

THEREFORE, BE IT RESOLVED, that since the proposed *Fee in Lieu* program would serve to foster flexibility in the construction of important public works projects, and would serve to compound

the protection afforded to the citizens by the effective use of precious taxpayer dollars, and minimize the impact on the public fisc, by complying with required compensatory mitigation for construction of coastal protection features, and to foster the responsible development of Louisiana's working coast, the Pontchartrain Levee District does hereby support and endorse the approval of proposed *Fee in Lieu* program for compensatory mitigation; and

THEREFORE, BE IT FURTHER RESOLVED, that the Pontchartrain Levee District does hereby urge and request that the USACE, after due consideration of the proposed *Fee in Lieu* program, give its approval to the plan as submitted; and

THEREFORE, BE IT FURTHER RESOLVED, that, a copy of this resolution be transmitted to the District Engineer of the New Orleans District of the U.S. Army Corps of Engineers, and the Assistant Secretary of Coastal Management, Louisiana Department of Natural Resources.

Personnel Committee: Mr. Marty Poche reported on the Personnel meeting which was held on June 21, 2010. Mr. Savoy moved, seconded by Mr. Irvin to approve the merit increases for July for the following employees Nos. 7227, 10741, 1575, 2725 and 15388 on their respective anniversary dates as recommended by committee. This motion carried unanimously. Next on the agenda was the contracts for Board Counsel, External Accountant and Maintenance Consultant. Copies of said contracts were given to the Board members and they were asked to review them. Mr. Irvin moved, seconded by Mr. St. Pierre to move contracts for these contracts for final approval next month. The motion carried unanimously. At this time, Mr. Irvin moved, seconded by Mr. Savoy to add three items to the agenda. The motion carried unanimously. Mr. Irvin then moved to hire the PLD Police Captain as recommended. This motion was seconded by Mr. Savoy and carried unanimously. Mr. St. Pierre then moved, seconded by Mr. Savoy to hire an unclassified Administrative Clerk for a period of up to twelve (12) months at a rate to be determined by the Executive Director. This motion carried unanimously. Lastly, Mr. Irvin moved, seconded by Mr. Savoy to defer action relative to the Civil Service circular regarding halting the 4% merit increase for employees. This motion carried unanimously. President Wilson noted that PLD would track information from State and other agencies as to their handling of said matter. This would be followed up on.

STAFF REPORTS

Updated reports were given for each of the following projects by the respective engineer and/or representative:

- a) Amite River & Tributaries Bayou Manchac & Ecosystem
- b) West Shore-Lake Pontchartrain Hurricane Protection Project
- c) St. Charles Urban/Cross Bayou Pump Station
- d) Laurel Ridge Levee/Bayou Conway –Panama Canal
- e) Mississippi River Levee Multi-Use Trail
- f) St. Charles Hurricane Protection Levee

Mr. Poche moved, seconded by Mr. Savoy to add an item to the agenda relative to the Amite River & Tributaries Bayou Manchac project. This motion carried unanimously. Mr. Savoy moved, seconded by Mr. Irvin to approve President Wilson to send an account letter to Col. Lee. This motion carried unanimously. Mr. Savoy moved, seconded by Mr. St. Pierre to direct BKI to stop work on Task Order #8 relative to the design portion for sixty (60) days. This motion carried unanimously.

PRESIDENT'S REMARKS

None.

OLD BUSINESS

None.

NEW BUSINESS

The following tax resolution was offered by Mr. Marty Poche and seconded by Mr. LC Irvin:

BE IT RESOLVED, that the following millage are hereby levied on the 2010 tax roll on all property subject to taxation by the Pontchartrain Levee District:

MILLAGE

General Fund Millage

3.52 mills

BE IT FURTHER RESOLVED, that the proper administrative officials of the Parishes of St. Charles, St. John the Baptist, St. James, Ascension, Iberville, and East Baton Rouge, State of Louisiana, be and they are hereby empowered, authorized, and directed to spread said taxes, as hereinabove set forth, upon the assessment roll of said parishes for the year 2010, and to make the collection of the taxes imposed for and on behalf of the taxing authority, according to law, and that the taxes herein levied shall become a permanent lien and privilege on all property subject to taxation as herein set forth, and collection thereof shall be enforceable in the manner provided by law.

The foregoing resolution was read in full, the roll was called on the adoption thereof, and the resolution was adopted by the following votes:

YEAS: 5 NAYS: 0 ABSTAINED: 0 ABSENT: 1

Mr. Savoy moved, seconded by Mr. Irvin to adopt the regular monthly Board Meeting schedule for the Fiscal Year Ending 2011 as presented. This motion carried unanimously.

The following resolution was offered by Mr. Leonard C. Irvin and seconded by Mr. Allen St. Pierre:

WHEREAS, William “Bill” Addison served as a Commissioner for East Baton Rouge Parish of the Pontchartrain Levee District from June 24, 2008 until June 10, 2010; and,

WHEREAS, William “Bill” Addison served diligently and with distinction; and,

WHEREAS, the Board of Commissioners of the Pontchartrain Levee District benefitted greatly from the knowledge of William “Bill” Addison; and,

WHEREAS, the Board of Commissioners of the Pontchartrain Levee District are grateful to have had such a dedicated individual; and,

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the Pontchartrain Levee District do hereby extend heartfelt condolences to the family and friends of William “Bill” Addison upon his death on June 10, 2010; and,

BE IT FURTHER RESOLVED that this resolution be spread upon the permanent records of this Board and that a certified copy thereof be forwarded to the family of William “Bill” Addison.

The resolution thereon was submitted to a vote, the vote was as follows:

YEA: Leonard C. Irvin, Marty Poche, Allen St. Pierre, Sr., Jerry Savoy and
Steve Wilson

NAY: None ABSENT: Michael DeLaune

The resolution was declared adopted.

PUBLIC COMMENTS

None.

ADJOURNMENT

At this time, Mr. Poche moved, seconded by Mr. Savoy to adjourn. The motion carried unanimously and President Wilson declared the meeting adjourned at 8:42 p.m.

/s/ Susan M. Sheets

Susan M. Sheets, Secretary

/s/ Steve C. Wilson

**Steve C. Wilson, President
Pontchartrain Levee District**